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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,134	10/20/2003	David F. Dziob	NEWDEZ/102/US	2791
2543	7590	06/10/2005	EXAMINER	
ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103			JACYNA, J CASIMER	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/689,134	DZIOB ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	J. Casimer Jacyna	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 April 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) 12 and 13 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3,7,9,14,15 and 18 is/are rejected.  
 7) Claim(s) 4-6,8,10,11,16,17 and 19-21 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/6/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 3751

1. Applicant's election with traverse of group I in the reply filed on 4/22/2005 is acknowledged. The traversal is on the ground(s) that firstly, Applicant contends that there would be no material difference to the method of claim 12 in incorporating the proposed changes and that dependent claim 5 requires the difference. This is not found persuasive because the basis of the restriction is that the apparatus could be produced by a different method and using a bellows in lieu of a spring is a structural difference. Claims 1 and 14 are the independent claims that are relied upon for patentability and it is these two claims that are compared to method claim 12 to decide if the two groupings of claims are independent or distinct inventions. In addition to claims 1 and 14 not requiring a helical spring wherein they could be made with other biasing elements such as a resilient bellows, claims 1 and 14 could also be made using a tack welded washer for a bellows (or alternately a spring) retainer and thereby not requiring the method steps of providing a valve stem with a radial groove and inserting a resilient member into the groove to retain the spring as called for in claim 12. Also, claims 1 and 14 could also be made using a screwed on end seal for the valve stem and not requiring an enlarged diameter at the end of the valve stem to form a seal. Consequently, as claimed, claims 1 and 14 could be assembled using a method that inserts a bellows in lieu of a helical spring, uses a rigid tack welded washer on a smooth valve stem for a biasing means retainer in lieu of a resilient member in a radial groove, uses a bolted on end seal in lieu of an enlarged end diameter wherein a single diameter valve stem could be used in assembling the structures called for in claims 1 and 12 in lieu of the three diameter valve stem of claim 12. Consequently, the method that could be chosen for

assembling the structures of claims 1 and 14 is a materially different process from the method of assembly in claim 12.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 12 and 13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 4/22/2005.

3. The disclosure is objected to because of the following informalities: The background heading on page 1, line 3 has typographical errors. Page 6, line 24 includes an informal amendment that has not been dated and initialed by the inventors and thereby must be resubmitted.

Appropriate correction is required.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 9, 14, 15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson. Anderson discloses a valve including a valve body having a first end adjacent 15, a second end adjacent cap 27, an exterior circular surface as shown in figure 2, an intake port 17, an exhaust port 12, a first end seal seat 39 surrounding the intake port, as shown in figures 1 and 3, an angle of about 120 degrees between 12 and 17, a valve guide bore 23 and 36, a valve stem 24 and 32 which slides

when 27 is rotated causing the threads of 24 to turn and slide vertically within 23 then push 32 down within 36, the valve is resiliently biased by spring 34 which abuts retainer 33 and seal seat 39 and a valve stem end seal 38.

6. Claims 1, 2 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Terkel. Terkel discloses a valve including a valve body having a first end 9, a second end 22, an exterior circular surface as shown in figure 3, an intake port 9, an exhaust port 23, a first end seal seat 12 surrounding the intake port, as shown in figures 1 and 2, an angle of about 120 degrees between 9 and 23, a valve guide bore at 19, a valve stem 18 which slides when 21 is pushed, the valve is resiliently biased by spring 22 and a valve stem end seal 21 wherein the valve will shut off both liquid flow and the flow of any gas entrained in the liquid as shown by the use of vent 24 and as claimed.

7. Claims 1, 2, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuntzel et al. Kuntzel discloses a valve including a valve body having a first end D, a second end L, an exterior circular surface as shown in figure 2, an intake port adjacent B, an exhaust port c, a first end seal seat engaging B surrounding the intake port, as shown in figures 1 and 2, an initial angle of about 120 degrees between K' and c, a valve guide bore at K', a valve stem K which slides when X is pushed, the valve is resiliently biased by spring R and a valve stem end seal B wherein the valve will shut off both liquid flow and the flow of any gas entrained in the liquid as claimed.

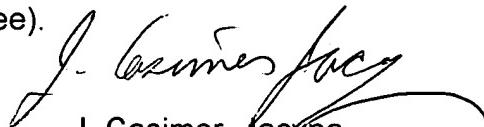
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Monner, Layden and Terry teach other gas valves.

9. Claims 4-6, 8, 10, 11, 16, 17 and 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Wed. thru Fri. 9AM-7PM, Mon. 7AM-1PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 703-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Casimer Jacyna  
Primary Examiner  
Art Unit 3751

JCJ